

**ORDER OF BUSINESS
BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

DECEMBER 16, 2008

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 6 - 30)**
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 31 - 34)**
- 5. REGULAR AGENDA (Pages 35 - 38)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file:

A) Resolution No. 2008-183 of the City Commission of the City of Dania Beach, Florida, urging the Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, its fair share of State funding;

B) Resolution No. 151-2008 of the City of Boca Raton, Florida, urging the Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, its fair share of State funding; and

C) Resolution No. 2-2009 of the City Commission of the City of South Bay, Florida, requesting and supporting construction of a new elementary school in the City of South Bay.

2. **Staff recommends motion to approve:**

A) a Loan Agreement with Glades Gas and Electric Corporation (GG&EC) in the amount of \$198,516 under the Palm Beach County Section 108 Program;

B) a Brownfield Economic Development Initiative (BEDI) Grant disbursement in the amount of \$99,258; and

C) an Inter-creditor Agreement between GG&EC and the Bank of Belle Glade;

SUMMARY: On October 9, 2008, the Section 108 Loan Review Committee (LRC), made up of representatives from the Economic Development Office, Housing and Community Development and Office of Financial Management & Budget, recommended providing a loan through the Palm Beach County Section 108 Program for GG&EC, a full service propane gas, appliance and air conditioning company. This is the first Avenue A Revitalization project. The total project investment is \$596,290, which includes \$278,516 from the Bank of Belle Glade, \$198,516 from the County's Section 108 Loan Program, \$99,258 from the U.S. Housing & Urban Development (HUD) Brownfield Economic Development Initiative (BEDI) grant, and \$20,000 from the County's Business Frontage Program, in partnership with the Lake Okeechobee Regional Economic Alliance of the Palm Beaches. Of the \$198,516 of Section 108 funds, \$98,516 will be for fixed assets and \$100,000 for working capital, which is within the County's criteria. The combined Section 108 loan and BEDI grant amount per job to be created is \$33,086, which is within the HUD criteria. The project will create nine (9) full-time equivalent jobs in the next six (6) years. The borrower will use the funds to renovate the interior and exterior of the building in which the business operates, construct a 15 x 200 sq. ft. addition, landscape and improve the driveway and parking areas. The family business was established in 1929 and is located at 5 Southwest Avenue A, Belle Glade. The interest on the Section 108 loan will be the 3-month London Inter Bank Offered Rate (LIBOR) at the time of closing (as of November 24, 2008, LIBOR was 2.160%) plus one percent (1%). The fixed assets loan will have a term of 20 years and the working capital loan will have a term of ten (10) years. **These are Federal funds that require no local match.** Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to approve: a Brownfield Economic Development Initiative (BEDI) Grant Agreement between Palm Beach County and the U.S. Department of Housing and Urban Development (HUD) in the amount of \$1.2 million for the Avenue "A" Revitalization Project. **SUMMARY:** On December 18, 2007, the Palm Beach County Board of County Commissioners (BCC) adopted a Resolution (R2007-2307) authorizing the submittal of a BEDI Grant Application for \$1.2 million and a Section 108 Loan Program Application for \$2.6 million to fund the Avenue A Project in Belle Glade. HUD submitted notifications of application approvals for the BEDI Grant in June 2008 and the Section 108 Loan in September 2008. On November 14, 2008, HUD submitted the BEDI Contract for execution. **These are Federal funds that require no local match.** Countywide (DW)

4. Staff recommends motion to approve:

A) Amendment No. 2 to the Business Development Board of Palm Beach County, Inc. (BDB) five (5) year Agreement (R2006-1998) to provide that the Chair may designate a member of the Board of County Commissioners to sit on the executive committee of the BDB; and

B) Modification to the Scope of Services to be consistent with the Agreement. The Agreement period is from October 1, 2006, through September 30, 2011 and it is in the third year of the term.

SUMMARY: The Board of County Commissioners entered into an Agreement with the BDB to provide business recruitment assistance, business retention activities and business expansion services in Palm Beach County. Palm Beach County and the BDB entered into a public-private partnership to promote the County, attract new businesses and assist in creating new industries in the County. The Agreement also provides that the Chair of the Board of County Commissioners will be appointed to the executive committee of the BDB. In the event of a scheduling conflict, the Chair should be allowed to designate that another member of the Board of County Commissioners be appointed to the BDB's executive committee and the Chair will then select a representative to serve on the BDB's Board of Directors. Countywide (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.

2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

4. Staff recommends motion to receive and file: change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during October 2008. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to:

A) approve an Administrative Change to the Joint Participation Agreement (JPA) R2005-0862 with the Florida Department of Transportation (FDOT), to incorporate updated language due to a revision to the Florida Statutes regarding the Florida Single Audit Act (FSAA) audit procedures; and

B) grant authority to the County Administrator, or his designee to approve Administrative Changes not included with this Agenda Item and all future Administrative Changes to other agreements with FDOT on behalf of the Board of County Commissioners resulting from revisions to the Florida Statutes regarding the FSAA audit procedures.

SUMMARY: The approval of this agenda item will execute an Administrative Change to the JPA with FDOT for the improvement of Okeechobee Boulevard from west of Clear Lake Bridge to Australian Avenue and authorizes the County Administrator or his designee, to sign Administrative Changes to other agreements with FDOT when it concerns revisions to the Florida Statutes regarding the FSAA audit procedures. This Administrative Change reflects a Florida Statute change in the FSAA audit procedures which requires updated language to be incorporated into all agreements where FDOT is providing financial assistance to Palm Beach County. Districts 2 & 7 (PK)

2. Staff recommends motion to accept: the Canal rights-of-way (Canals) as platted in Gramercy Park Unit 1 (Plat Book 27, Page 51), Gramercy Park Unit 2 (Plat Book 27, Pages 157 and 158), and Gramercy Park Unit 4 (Plat Book 28, Page 76), for Palm Beach County (County) maintenance. **SUMMARY:** The Canals platted in Gramercy Park Units 1, 2 and 4 were dedicated to the public as easements for construction and maintenance of public utilities, and/or drainage purposes. It is requested that the Canals be accepted for County maintenance since they provide drainage for the County maintained roads in the Gramercy Park plats. District 7 (MRE)

3. Staff recommends motion to approve:

A) an Interlocal Agreement with the City of Riviera Beach to reimburse them up to \$120,000 for street lighting; and

B) a Budget Transfer of \$120,000 in the Transportation Improvement Fund from Reserve for District 7 to W. 4th Street/Australian Avenue to Avenue J Street Lights – District 7.

SUMMARY: Approval of this Agreement and Budget Transfer will supply reimbursement funds for design and installation of decorative street lighting on W. 4th Street/Australian Avenue to Avenue J. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to approve:

A) a Budget Transfer of \$50,000 in the Transportation Improvement Fund from Reserves for District 1 to Indian Creek Parkway and Egret Landing Boulevard Signal; and

B) a Budget Amendment of \$52,000 in the Transportation Improvement Fund to recognize contributions from the Town of Jupiter of \$26,000 and Egret Landing Home Owners Association of \$26,000 for the Indian Creek Parkway and Egret Landing Boulevard Signal.

SUMMARY: Approval of these actions will fund the installation of a mast arm traffic signal. Part of the funding will be a budget transfer from District 1. The remainder of the funding will come from the Town of Jupiter, the Egret Landing Home Owners Association and the Traffic Division. District 1 (MRE)

5. Staff recommends motion to approve: a Financial Assistance Agreement with the Village of Wellington (Village), to provide them with a reimbursement contribution not to exceed \$62,500. **SUMMARY:** Approval of this Agreement will provide funding to reimburse the Village up to 10% (maximum of \$62,500) of the cost for the installation of beautification within the right-of-way of Forest Hill Boulevard, from Wellington Trace (south intersection) to Wellington Trace (north intersection). The Village will be responsible for the perpetual maintenance of these improvements. District 6 (MRE)

6. Staff recommends motion adopt: a Resolution to approve Amendment Number Five, to the Intelligent Transportation System (ITS) Operational Facility Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) R2003-0312, to extend the term of the contract from December 31, 2008, to June 30, 2009 and authorize transfer of ownership of the FDOT portion of the ITS equipment to FDOT, for further maintenance. **SUMMARY:** Approval of this Amendment will allow Palm Beach County to extend the time limits on the construction and construction administration agreement of the ITS Operational Facility, at the County's Vista Center offices from December 31, 2008, to June 30, 2009. This extension of time will enable transfer of ownership of communications and electronic equipment that has been procured and installed for the purpose of FDOT functions at the ITS Operational Facilities to FDOT. District 2 (MRE)

7. **DELETED**

8. Staff recommends motion to:

A) approve a County Deed in favor of Boynton Beach Associates, XXII, LLLP (Boynton Associates) to convey un-used right-of-way originally intended for a right turn lane on Boynton Beach Boulevard; and

B) accept a Warranty Deed from Boynton Associates donating property for a new right turn lane on Boynton Beach Boulevard.

SUMMARY: Approval of this item will convey un-used right-of-way originally intended for a right turn lane and accept right-of-way for a new right turn lane along Boynton Beach Boulevard. District 5 (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. Staff recommends motion to approve: acceptance of State Road 7 from Sandhill Way East to Northlake Boulevard, for maintenance at a project cost of \$4,580 per year. **SUMMARY:** Approval of this acceptance will provide for maintenance of State Road 7 from Sandhill Way East to Northlake Boulevard. District 6 (PK)

10. Staff recommends motion to approve: a Consent to Assignment and Assumption of an Agreement dated May 7, 1986, as amended March 1, 1990, February 21, 2002 and September 12, 2006 collectively Traffic Agreement between PGA National Venture, LLLP, (PGA National) and WFGR Resort Core V, L.L.L.C. (WFGR). **SUMMARY:** PGA National was party to the Traffic Agreement that defined rights and responsibilities relating to Ryder Cup Boulevard within PGA National Resort Community. PGA National desires to assign, and WFGR desires to assume PGA National's rights and obligations under the Traffic Agreement which among other things sets forth operational procedures for guardhouse, information booth and traffic control gate. District 1 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to authorize: a settlement as to Parcels 102 , 704, 705, 705A, and 705B in the amount of \$5,554,860 inclusive of attorney's fees, in the eminent domain proceeding entitled Palm Beach County v. E.F. Johns, Ltd., et al, Case No.: 50 2007 CA 00-2957 XXXMB AD, for the improvement of Lyons Road. **SUMMARY:** This action would authorize a settlement of compensation for the acquisition of one (1) parcel in fee simple and four (4) temporary construction easements acquired for the improvement of Lyons Road from Glades Road to Yamato Road (Project No. 1998504), by paying \$5,554,860 for the property acquired, damages, and attorney's fees. District 5 (PM)

2. Staff recommends motion to approve: the Housing Finance Authority of Palm Beach County, Florida's (the "Authority") Policies, Procedures and Process for Loan Applications Using Surplus Funds (the "Surplus Funds Policy") as required by Ordinance No. 2002-022 (the "Ordinance"). **SUMMARY:** Pursuant to its authority under the Ordinance and the Florida Housing Finance Authority Law encoded in Part IV, Chapter 159, Florida Statutes (the "Act"), the Authority has promulgated the Surplus Funds Policy to carry into effect the powers and purposes of the Authority with respect to the use of its surplus monies. Pursuant to the Ordinance, "all rules or regulations to be promulgated by the Authority . . . as the same are initially established . . . shall be submitted to and approved, in each instance, by the Board of County Commissioners." Countywide (PFK)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Contracts with the following vendors for the period of January 1, 2009, through December 31, 2009 for a total of \$509,725 for services to homeless individuals:

A) Gulfstream Goodwill Industries, Inc. for supportive services in an amount not to exceed \$65,000;

B) Gulfstream Goodwill Industries, Inc. for supportive housing in an amount not to exceed \$280,725;

C) Oakwood Center for supportive services in an amount not to exceed \$82,000; and

D) Comprehensive Alcoholism Rehabilitation Programs, Inc. for supportive services in an amount not to exceed \$82,000.

SUMMARY: In 2007, HUD awarded the Division of Human Services a one (1) year renewal grant to begin January 2009. The grant will continue funding for 30 transitional housing beds and supportive services offered through Gulfstream Goodwill Industries, Inc., CARP, and Oakwood Center to provide staff for the Homeless Outreach Teams and related support services. Funds for these contracts are comprised of \$438,254 from Housing and Urban Development (HUD) and \$91,771 in County match. The contracts total \$509,725 and the remaining balance of \$20,300 is for non-contracted funds for administration and bus passes. (Human Services) Countywide (TKF)

2. Staff recommends motion to approve: Amendment No. 002 to Standard Agreement No. IP008-9500 (R2008-1041) for the Emergency Home Energy Assistance (EHEAP) Program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. for the period October 1, 2008, through March 31, 2009, increasing the agreement amount by \$23,973.20 for a new total not-to-exceed amount of \$45,751.31. **SUMMARY:** This Amendment allows DOSS to authorize spending authority for the EHEAP Program in an amount not to exceed \$23,973.20. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides EHEAP services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. Staff recommends motion to approve: Amendment No. 1 to Contract (R2007-1930) with Children's Home Society, in an amount of \$177,271, for the period October 1, 2008, through September 30, 2009. **SUMMARY:** This Amendment is the final renewal option under the current contract with the Children's Home Society. The funding and the information submitted is part of the total \$13,001,846 funding approved by the BCC for Financially Assisted Agencies for FY 2009. (Financially Assisted Agency Program) Countywide (TKF)

4. Staff recommends motion to approve: Standard Agreement No. IU009-9500 for the Nutrition Services Incentive Program (NSIP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period October 1, 2008, through September 30, 2009, for a total not-to-exceed \$269,778.36. **SUMMARY:** NSIP funds are available to supplement the cost of meals in the Division of Senior Services (DOSS) Congregate and Home Meals Programs. NSIP provides reimbursement for the purchase of United States produced agricultural and other food commodities for use in nutrition projects operating under the approved Older Americans Act (OAA) Title III agreement. The maximum number of meals to be reimbursed is 445,838 at the rate of \$.6051040 per meal for a total of \$269,778.36. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve: a Construction Manager Authorization for Task No. D-1.1 under the Construction Manager (CM) at Risk Contract with David Brooks Enterprises, Inc. in the amount of \$1,397,974 for Construction Phase Services for the Addressable Fire Alarm Project at Palm Beach International Airport (PBIA). **SUMMARY:** The Department is requesting Board approval of Task Authorization D-1.1 to David Brooks Enterprises, Inc. under the continuing contract for CM at Risk services approved May 20, 2008 (R2008-0848). Task No. D-1 for David Brooks Enterprises, Inc. was approved by the Board on May 20, 2008 (R2008-0849) in the amount of \$50,000. Tasks D-2 through D-7 were approved in the amount of \$ 2,701,611. The services provided in this Construction Manager Authorization Task No. D-1.1 is in the amount of \$1,397,974 and establishes a construction time of 305 calendar days. The Small Business Enterprise (SBE) goal for this contract was established at 15%. The SBE participation for this Task is 18.60%. The total SBE contract participation including Task D-1.1 is 27.11%. Countywide (JCM)

2. Staff recommends motion to:
 - A) receive and file** the Palm Beach International Airport (PBIA) Development of Regional Impact (DRI) Annual Report; and
 - B) authorize** distribution of the Annual Report in accordance with Section 380.06(18) Florida Statutes.

SUMMARY: The Development Order for Palm Beach International Airport requires that an Annual Report on the activities of the Airport be submitted to the Board of County Commissioners, Treasure Coast Regional Planning Council, and other state and local agencies. Countywide (AH)

3. Staff recommends motion to:
 - A) receive and file** the North Palm Beach County General Aviation Airport Development of Regional Impact (DRI) Annual Report; and
 - B) authorize** distribution of the Annual Report in accordance with Section 380.06(18) Florida Statutes.

SUMMARY: Resolution No. 90-294 requires this Annual DRI Report to be submitted annually to the Board of County Commissioners, Treasure Coast Regional Planning Council, State of Florida Department of Community Affairs, and all affected permitting agencies. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to receive and file: four (4) original Agreements for the Department of Airports:

A) General Aeronautical Services Agreement with GTD Delivery Service, Inc., commencing November 1, 2008, expiring September 30, 2009, and automatically extended on a year-to-year basis (October 1st through September 30th);

B) Consent to Sublease for Florida Airmotive, Inc. with Chaz Aircraft commencing July 8, 2008;

C) Consent to Sublease for Florida Airmotive, Inc. with Palm Beach Flight Training, commencing September 1, 2008; and

D) Consent to Sublease for Florida Airmotive, Inc. with Sunliners, Inc. commencing September 1, 2008.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R93-801 and R94-1453. Countywide (JB)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a Budget Transfer of \$512,469 from the Abacoa Impact Fee Reserve Account to recognize revenue collections and appropriate it to the Abacoa Impact Fee Account – Contributions to Other Governmental Agencies for payment to the Northern Palm Beach County Improvement District. **SUMMARY:** This Budget Transfer is necessary to appropriate revenue collections. This Transfer allows the County to remit road impact fees to the Northern Palm Beach County Improvement District for the construction of Indian Creek Parkway West and the Donald Ross Road Project in accordance with an impact fee agreement between Palm Beach County, Abacoa Development Company, and the Northern Palm Beach County Improvement District. District 1 (LB)
2. Staff recommends motion to approve: Commissioner Burt Aaronson's appointment of Goldman Sachs & Company to replace Janney Montgomery Scott, LLC on the Senior Manager Underwriter Rotation List. **SUMMARY:** Commissioner Aaronson has requested that Goldman Sachs replace Janney Montgomery as his appointment to the Senior Manager Underwriter Rotation List. In accordance with the policies and procedures, Goldman Sachs will be placed at the bottom of the list. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 1 to the Annual Professional Services Contract with Kilday & Associates, Inc. (R2008-1006) for property development evaluation services. **SUMMARY:** On June 3, 2008, the Board entered into a Contract with Kilday & Associates, Inc., for professional services for property development evaluation services on a continuing services basis. Kilday & Associates is merging with Urban Design Studio and Amendment No. 1 acknowledges the merger and new ownership interests. The new entity is named Urban Design Kilday Studios. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to:

A) approve Agreement with Nextel South Corp. (Nextel) for Nextel to pay for the reconfiguration of the County's frequencies on the 800 MHz radio band;

B) approve a Budget Amendment of \$248,107 in the General Fund recognizing revenue received and increasing the 800MHz operating budget; and

C) authorize the County Administrator, or his designee, to execute all documents required to administer this Agreement including any change orders which do not have any fiscal impact to the County.

SUMMARY: This Agreement with Nextel provides the terms and conditions under which Nextel will reconfigure the County's frequencies on the 800 MHz radio band. In 2004, the Federal Communications Commission issued an Order that modified its rules governing the 800 MHz band requiring reconfiguration to minimize harmful interference to public safety radio communication systems. The County and Nextel are both licensed on frequency allocations subject to reconfiguration. Pursuant to the Order, Nextel will pay the County the total amount to effect a reconfiguration of the County's affected frequency allocations. Under the terms of this Agreement, the County will relinquish its current frequencies and relocate its system to newly assigned replacement frequencies and Nextel will pay the County and its vendors for the costs incurred. (FDO/ESS) Countywide (MJ)

3. Staff recommends motion to:

A) approve Agreement with Motorola, Inc. for reconfiguration services required to modify the 800 MHz System to comply with Federal Communication Commission's Rebanding Report & Order; and

B) authorize the County Administrator, or his designee, to execute all documents required to administer this Agreement including any change orders which do not have any fiscal impact to the County.

SUMMARY: In 2004, the Federal Communications Commission issued an Order that modified its rules governing the 800 MHz band requiring reconfiguration to minimize harmful interference to public safety radio communication systems. The County and Nextel are both licensed on frequency allocations subject to reconfiguration pursuant to a separate Frequency Reconfiguration Agreement (FRA). This Agreement provides the terms and conditions under which Motorola will reconfigure the County's 800 MHz radio system frequencies and implements the rebanding contemplated by the FRA. Pursuant to the terms of this Agreement as well as the FRA, Motorola's costs will be directly reimbursed by Nextel. (FDO/ESS) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to:

A) approve Agreement with EF Johnson Technologies (EFJ) for reconfiguration services required to modify the 800 MHz System to comply with Federal Communication Commission's Rebanding Report & Order; and

B) authorize the County Administrator, or his designee, to execute all documents required to administer this Agreement including any change orders which do not have any fiscal impact to the County.

SUMMARY: In 2004, the Federal Communications Commission issued an Order that modified its rules governing the 800 MHz band requiring reconfiguration to minimize harmful interference to public safety radio communication systems. The County and Nextel are both licensed on frequency allocations subject to reconfiguration pursuant to a separate Frequency Reconfiguration Agreement (FRA). This Agreement provides the terms and conditions under which EFJ will reconfigure the County's 800 MHz radio system frequencies and implements the rebanding contemplated by the FRA. Pursuant to the terms of this Agreement as well as the FRA, EFJ's costs will be directly reimbursed by Nextel. (FDO/ESS) Countywide (MJ)

5. Staff recommends motion to:

A) approve a Fifth Amendment to Lease Agreement (R2007-1722) between the South Florida Water Management District (SFWMD), Palm Beach County, and Roth Farms, Inc.; and

B) adopt a Resolution finding that the Fifth Amendment to Lease Agreement between the South Florida Water Management District, Palm Beach County, and Roth Farms, Inc., is in the best interest of the County.

SUMMARY: The County and SFWMD own adjacent parcels of land at 20-Mile Bend. Roth Farms, Inc. currently leases 106.69 acres from the County and SFWMD, under a Partial Assignment and Assumption of Lease approved by the Board on October 2, 2007 (R2007-1772). Roth Farms, Inc. uses the land for sugar cane and row crops. The parties desire to include an additional 7.88 acres owned by the County into the Lease and allow Roth Farms, Inc. to continue their farming operation. Lease revenue is shared on a pro rata basis between the SFWMD and the County, based upon ownership percentage. The County's ownership percentage increases and will now receive 66 percent of the annual rent. This Fifth Amendment will: i) expand the lease farming area from 106.69 acres to 114.57 acres; ii) require a retroactive rent payment from Roth Farms in the amount of \$1,549.92; and iii) will result in the County receiving \$1,486.31, as its pro rata share of the rent. The Resolution finds that this Fifth Amendment is in the best interest of the County. All other terms and conditions of the Lease Agreement shall remain in full force and effect. (PREM) Countywide/District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of 273 square feet of County-owned land in unincorporated southwest Boca Raton to Cove Club Investors, Ltd., (Cove Club) a Florida limited partnership, at no charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve a County Deed in favor of Cove Club Investors, Ltd.

SUMMARY: In 1981, the County purchased the Water Treatment Plant No. 9, located at SW 65th Ave, in unincorporated southwest Boca Raton, from South Palm Beach Utilities Corporation. Included in the conveyance to the County was an approximate 7' by 39' strip of land which underlies a small portion of the golf course maintenance building for the abutting golf course owned by Cove Club. South Palm Beach Utilities Corporation conveyed the golf course maintenance building to Cove Club the same year that the County acquired the Water Treatment Plant No. 9. This strip of land should have been conveyed to Cove Club and not the County. Conveyance of this parcel to Cove Club will correct the mistake. Due to the fact that this property was obviously originally intended to be conveyed to Cove Club, staff recommends that this property be conveyed without charge. (PREM) District 5 (JMB)

7. Staff recommends motion to approve: Amendment No. 6 to Use Agreement (R93-

75D) with the South Florida Water Management District (SFWMD) for a well site located near the northwest corner of Lake Lytal Park in West Palm Beach. **SUMMARY:** The SFWMD has requested an extension to the term of an existing Use Agreement which expires on January 12, 2009. Amendment No. 6 extends the term for five (5) years through January 12, 2014, and provides for cancelation by either party with ninety (90) days written notice. SFWMD is required to close and cap the well and remove any improvements prior to the termination date. In addition, Amendment No. 6 updates the Notice provisions for both parties. This Use Agreement has been in place since 1992 and allows SFWMD continuous operation and maintenance of a District-owned monitoring well adjacent to Lake Lytal Park without payment of rent. (PREM) District 2 (HJF)

8. Staff recommends motion to accept: a Statutory Warranty Deed from Delray

Estuary, L. C. for a 1.29 acre parcel of mangrove wetlands on the Intracoastal Waterway in Ocean Ridge. **SUMMARY:** Delray Estuary, L. C. developed a townhome community, Estuary, on the Intracoastal Waterway in Delray Beach. The Environmental Resource Permit required Delray Estuary L. C. to convey to the County 1.29 acres of mangrove wetlands in the Lake Worth Lagoon. Additionally, Delray Estuary, L. C. was required to perform environmental enhancements and five (5) year (minimum) monitoring and maintenance of the 1.29 acre site. The 1.29 acre parcel is adjacent to County property on the Intracoastal Waterway and is located north of East Ocean Avenue and west of North Ocean Boulevard in the Town of Ocean Ridge. On June 8, 1999 (R99-1043D), the Board agreed that the County would accept ownership of the 1.29 acres following the successful completion of the environmental enhancement, maintenance, and monitoring work by Delray Estuary, L. C. (PREM) District 4 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: a First Amendment to the Interlocal Agreement (R2003-1698) with the Town of Manalapan (Town) allowing for interoperable communications through the countywide common groups of the County's 800MHz Radio System. **SUMMARY:** The Agreement which provides the terms and conditions under which the Town can directly access the County's 800MHz Radio System expired on October 21, 2008. The Agreement provides for three (3) – five (5) year renewals but renewals require approval by both parties. The Town has approved a renewal to extend the term of the Agreement until October 21, 2013 as originally contemplated. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies. The Agreement may be terminated by either party, with or without cause. (ESS) Countywide (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to receive and file: the Commission on Affordable Housing Report of Affordable Housing Incentives. **SUMMARY:** In accordance with Florida Statutes 420.9076, State Housing Initiatives Partnership (SHIP) jurisdictions are required to establish Affordable Housing Advisory Committees and to select at least 11 members from specific housing related fields to serve on that committee. As a result, Palm Beach County modified the composition of its Commission on Affordable Housing (CAH) Advisory Board and increased its membership from nine (9) at-large members to 13 at-large members. The primary objective of the CAH Advisory Board is to make program and funding recommendations to the Board of County Commissioners (BCC) for its Local Housing Assistance Plan (LHAP) funded with State Housing Initiatives Partnership (SHIP) funding from the State of Florida. Additionally, Florida Statutes 420.9076 also requires the County to amend its Local Housing Assistance Plan (LHAP). As a result, the CAH has developed a list of affordable housing incentives for the BCC to consider adopting into its LHAP. The Commission on Affordable Housing will bring the Affordable Housing Incentive Report for discussion at the BCC Workshop date of January 27, 2009. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to:

A) rescind the Blanket Assignment of Mortgages (R2006-0139) transferring certain mortgage loans to Florida Housing Finance Corporation;

B) rescind the authorization (R2006-0139) of the County Administrator, or designee, to endorse, in favor of the Florida Housing Finance Corporation, the original promissory notes associated with the mortgages being transferred;

C) approve an Assignment of Mortgage transferring certain mortgage loans to Florida Housing Finance Corporation;

D) authorize the County Administrator, or designee, to endorse in favor of Florida Housing Finance Corporation the Allonge to the HOME Promissory Note associated with the mortgages being transferred; and

E) authorize payment of \$98,140.51 to the Florida Housing Finance Corporation, representing reimbursement for satisfying certain mortgages and amounts received on behalf of the State of Florida as payoffs and the satisfaction for certain mortgages.

SUMMARY: In 1992, the State of Florida through its Housing Finance Agency issued a Request for Proposal (RFP) soliciting participants for their HOME Program. As a result Palm Beach County Housing and Community Development responded with an application for the Restoring Our Neighborhoods Program (RON) on April 20, 1992. On June 15, 1993, (R93-734D), Palm Beach County Housing and Community Development entered a sub-recipient Agreement with the State of Florida Housing Finance Agency to expend up to \$1,500,000 in State HOME funds in furtherance of the RON Program. Approval of this item will rescind the approval of a Blanket Assignment of Mortgages transferring 30 mortgages to Florida Housing Finance Corporation (FHFC), as well as authorization of the County Administrator or designee to endorse the original promissory notes associated with the subject mortgages that were to be transferred. Approval of this item will therefore approve an Assignment of Mortgages transferring all of Palm Beach County's rights, titles and interests in, to and under for 23 mortgage loans and authorizing the County Administrator or designee to sign in favor of Florida Housing Finance Corporation the Allonge to the HOME Promissory Note for the purposes of endorsement. The subject mortgages were taken by Palm Beach County in exchange for funding made to homeowners through the County's Restoring Our Neighborhoods first-time homebuyer program funded by the State of Florida in 1992. Upon execution of each Assignment of Mortgage, the County's obligation will be fulfilled under its Agreement with Florida Housing Finance Agency (now known as the Florida Housing Finance Corporation). Execution of the Allonge to the HOME Promissory Notes secured by the mortgages for the purpose of endorsement will complete the transfer transaction. Payment to FHFC in the amount of \$98,140.51, represents funds the County received through mortgage pay offs and reimbursement for certain FHFC mortgages that were inadvertently satisfied. Payment is being made to FHFC in lieu of transferring those subject mortgages, since transfer is no longer possible. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

3. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2008-1192) with the Community Land Trust of Palm Beach County, Inc., to add certain provisions to the Agreement. **SUMMARY:** This Amendment adds certain provisions to the Agreement that addresses the disposition of program generated income to be collected by the Community Land Trust of Palm Beach County, Inc. (CLT), from the sale and lease of real property acquired with Federal Community Development Block Grant (CDBG) funds made available through the Agreement. The CLT purchased three (3) single-family homes located at 7804, 7786, and 7796 Griswold Street, in unincorporated Lantana. In order to achieve affordability, the land for each home will be leased to a County approved income eligible homeowner for 99 years, and the home will be sold to the homeowner. Both the lease of the land and the sale of the home will generate program income to the CLT. The provisions being added to the Agreement, address how this income should be used by the CLT according to Federal CDBG regulations. **These are Federal funds that require no local match.** District 7 (TKF)

4. Staff recommends motion to conceptually approve: the affordable housing project Habitat for Humanity of Palm Beach County, Inc. "Kennedy Estates II" through the Commission on Affordable Housing's Home Owner Development Assistance Program allocating \$750,000 for the development of a 24-unit home ownership project. **SUMMARY:** Approval of this agenda item will authorize the allocation of State Housing Initiatives Partnership funding for development of this affordable housing project. This allocation of \$750,000 will facilitate the development of 24 extremely low and very low income units. The Commission on Affordable Housing Advisory Committee reviewed this request and made a funding recommendation on September 25, 2008. Staff will present the County agreement to the Board of County Commissioners for final approval at a later date. **These are State funds which require no local match.** District 1 (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: Supplement No. 2 to Work Authorization No. 1 to rehabilitate wells at Water Treatment Plants No. 2, 3, 8, 9 and 10 with Southeast Drilling Services, Inc. for the Water Utilities Department Wellfield Rehabilitation Project (R2007-2025) concerning well rehabilitation and repair in the amount of \$500,000. **SUMMARY:** On November 6, 2007, the Board of County Commissioners approved Work Authorization No.1 (R2007-2026) which provides for rehabilitation of 12 wells and for monthly chemical maintenance injections on 20 wells for a one (1) year period at Water Treatment Plants No. 2, 3, 8, 9 and 10 in the amount of \$700,000. Supplement No. 1 to Work Authorization No. 1 allowed for that maintenance program to continue to the end of the fiscal year. This Supplement No. 2 to Work Authorization 1 will allow for the continued rehabilitation of the raw water supply wells for the second fiscal year of the Continuing Construction Contract. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This contract with Southeast Drilling Services, Inc. provides for SBE participation of zero overall. This was due to the specialized nature of the work and the fact that Southeast Drilling was the only bidder. However since the inception of this project, Southeast Drilling Services, Inc. has received their SBE certification for General Construction, Well Drilling Services, and Pump Equipment and Accessories Maintenance and Repair. (WUD Project No. 08-023) Districts 2, 5 & 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to approve:** Release of Utility Easement on land owned by New Country Motor Cars of Palm Beach, LLC. **SUMMARY:** This document will release the County's interest in a utility easement (Easement) recorded in the Official Records of Palm Beach County in Book 8371, Page 1302 on land owned by New Country Motor Cars of Palm Beach, LLC. The Water Utilities Department has determined that this Easement is no longer needed, and therefore recommends the release. District 5 (MJ)

3. **Staff recommends motion to approve:** a Second Amendment to the Agreement between Palm Beach County (PBC) and Lion Country Safari for the operation and maintenance of wastewater treatment facilities. **SUMMARY:** On December 5, 2006 (R2006-2674), the County and Lion Country Safari, Inc. (LCS) entered into an Agreement (Agreement) for the operation and maintenance of LCS' wastewater treatment facility. The Agreement requires LCS to permanently connect to PBC Water Utilities Department's wastewater system prior to the end of its term. On December 18, 2007, the Agreement was amended (R2007-2267) to extend the expiration date through December 4, 2008. The extension terms of the Agreement have been exhausted. However, due to delays in LCS' pre-construction design work for replacement facilities and a delay in determining the location for installation of the required force main, the Water Utilities Department recommends extending the Agreement for an additional one (1) year term. The Water Utilities Department requests Board approval in order to amend the Agreement and extend the expiration date through December 4, 2009, with an upward adjustment of 10% for all charges. Capital improvements required at the facilities are not included in this Agreement and either party may cancel the Agreement with a 90-day written notice. District 6 (MJ)

4. **Staff recommends motion to approve:** Change Order No. 8 to the Contract with R.J. Sullivan, Corp. (RJS) (R2006-0780) for the Water Treatment Plant No. 8 Expansion Project increasing the contract price by \$97,446 and providing a 52 day time extension. **SUMMARY:** Change Order No. 8 authorizes the RJS to perform various civil, mechanical, and electrical improvements for this project and to resolve conflicts with the design drawings, to comply with Building Department permit conditions, and to bring the existing fire alarm system up to present standards as required by the Fire Marshall. It also provides the RJS with additional time (52 days) to accomplish the additional work. Total change orders to date, excluding the \$1,712,386.46 sales tax recovery program change order, equal \$981,505.29 (5.27% increase). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. This Change Order includes zero overall SBE participation. The contractor's cumulative SBE participation, including this Change Order, is 26.15% overall. (WUD Project No. 05-146) District 2 (JM)

5. **Staff recommends motion to receive and file:** closing documents relating to the acquisition of the Beeline Community Development District's (District) water and wastewater utility system. **SUMMARY:** On February 15, 2005, the Board of County Commissioners (Board) approved the Water and Wastewater Utility Acquisition, Service and Service Area Agreement (R2005-0366)(Agreement) with the District, which contained the terms of the County's acquisition of the District's exclusive service area, water and wastewater utility system assets (exclusive of the District's potable water and wastewater plants) and customer base. On October 21, 2008, the Board approved the Third Amendment to the Agreement, and authorized the Chairperson to execute any and all documents necessary to carry out the closing of the purchase (R2008-1905). On or before October 31, 2008, the Board's Chairperson, the District's Chairperson and United Technology Corporation's authorized agent executed the required documents. District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. **Staff recommends motion to approve:** Work Authorization No. 6 to the Water Utilities Department continuing construction contract with AKA Services, Inc. (R2008-0769) for construction of the Lake Worth Road 16" Water Main (Price Street to Kirk Road) Project in the amount of \$572,341. **SUMMARY:** This Work Authorization provides for construction of the Lake Worth Road 16" Water Main (Price Street to Kirk Road) Project. The 16" water main will be installed within the south eastbound lane of Lake Worth Road from Price Street to Kirk Road. This pipeline will provide increased hydraulic efficiency and water pressure required for improved service to customers in the area and satisfy requirements as per Agreement (R2008-0770) with the City of Lake Worth (City). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with AKA Services, Inc. provides for SBE participation of 15.00% overall. This Authorization includes 20.80% overall participation. The cumulative SBE participation, including this Authorization, is 17.76% overall. (WUD Project No. 08-047) District 3 (MJ)

7. **Staff recommends motion to approve:** a Contract for Optimization and Improvements Design/Build Services with Globaltech, Inc. **SUMMARY:** This Contract will improve the County's water, wastewater and reclaimed water treatment facilities by providing design/build services of projects for optimization, energy efficiency, regulatory requirements, safety, security, alternative water supply and replacement or repair of critical components. The engineering/professional and design/build/construction services will typically be for projects less than \$1,000,000 of construction value. Consultant Service Authorizations and Work Authorizations will be negotiated and issued in accordance with the standard County procedures outlined in Countywide PPM No. CW-F-050. The Contract has a term of three (3) years subject to two (2) annual performance reviews. Globaltech, Inc. is a local SBE and has agreed to meet or exceed a 75% small business participation goal. (WUD 08-078) Countywide (JM)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to:**
 - A) adopt** a Resolution authorizing the Clerk of the Board to disburse \$200,000 from the Vessel Registration Fee Trust Fund for the South Cove Restoration Project; and
 - B) approve** a Budget Transfer of \$200,000 in the Environmental Enhancement Saltwater Fund from Reserves to the South Cove Restoration Project.

SUMMARY: The \$200,000 Resolution and Budget Transfer provide the necessary matching funds for the environmental enhancement of mangrove and seagrass habitat in the Lake Worth Lagoon. This Resolution authorizes the Clerk to transfer \$200,000 from Vessel Registration Funds for matching funds needed for an award from the Florida Department of Environmental Protection Lake Worth Lagoon Partnership Grant Program LP6046. District 7 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) receive and file Project Agreement No. PB-08-132 with the Florida Inland Navigation District (FIND) to reimburse up to \$200,000 for the construction of the John's Island Oyster Reef Project;

B) approve Budget Amendment of \$200,000 in the Florida Department of Environmental Protection (FDEP) Lake Worth Lagoon Fund for the FIND Waterways Assistance Program Project Agreement PB-08-132;

C) authorize M & J Construction Company of Pinellas County, Inc. (M&J), to build the John's Island Oyster Reef Project for an amount not to exceed \$680,000 under a work order, in accordance with M&J's Annual Artificial Reef & Breakwater Project No. 2008ERM04 Contract (R2008-1667); and

D) authorize the County Administrator, or his designee, to sign the work order for the John's Island Oyster Reef Project.

SUMMARY: The County will receive \$200,000 to partially fund the John's Island Oyster Reef Project. Matching funds of \$480,000, derived from the State \$265,000 and County \$215,000, are required and are already included in the budget. Grant funds must be expended by September 1, 2010. FIND may extend the project period for one (1) year. The John's Island Oyster Reef will be constructed by M&J. On September 23, 2008, the Board of County Commissioners approved the M&J Annual Construction Contract (R2008-1667), which requires 21.04% SBE participation. No work orders have been issued to-date. District 2 (SF)

3. Staff recommends motion to approve:

A) Amendment No. 3 to the State of Florida Agreement No. LP6077 with the Florida Department of Environmental Protection (FDEP) (R2006-0579) to modify reporting and change requirements, and to provide for a \$200,000 reimbursement increase from \$2,800,000 to \$3,000,000 for projects within the Chain of Lakes System; and

B) Budget Amendment of \$200,000 in the Environmental Capital Projects Fund to recognize the Grant Amendment revenues and increase the Environmental Enhancement Cost Center (\$35,000) and the John Prince Campground (\$165,000).

SUMMARY: The Florida Department of Environmental Protection Agreement (R2006-0579) will reimburse \$200,000 and requires a \$200,000 cost share through a combination of match and in-kind funds. The Agreement will reimburse \$165,000 for John Prince Memorial Campground infrastructure improvements; \$20,000 for Chain of Lakes monitoring studies, and \$15,000 for grant administration. This Agreement is part of the State Legislature's disbursement of funds for restoring and protecting surface waters of the State. The funds are being allocated and managed under the Chain of Lakes Partnership Grant Program with this Amendment expiring on December 31, 2010. The budget document will establish funding. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. Staff recommends motion to approve:

A) Amendment No. 3 to the State of Florida Agreement No. LP6046 with the Florida Department of Environmental Protection (FDEP) R2006-0583 to extend the Agreement twelve (12) months to June 30, 2011 and to increase reimbursement from \$6,500,000 to \$7,000,000 which includes three (3) sub-projects under the Lake Worth Lagoon Partnership Grant Program;

B) Budget Amendment of \$500,000 in the Lake Worth Lagoon Partnership Fund to recognize the grant revenue for the sub-projects and includes a transfer from Manatee Protection to establish a South Cove Restoration project account; and

C) Budget Transfer of \$35,000 in the General Fund to budget for the charge off of Grant Administration to the Lake Worth Lagoon Partnership Fund which will offset ad valorem funded salaries.

SUMMARY: The FDEP Agreement will reimburse \$500,000 and requires a \$500,000 cost share through a combination of match and in-kind funds. Matching funds are available from Vessel Registration fees and the County's Manatee Protection program. The 2008–2009 Legislative appropriations include three (3) sub-projects that address the environmental restoration of the Lake Worth Lagoon. These sub-projects are South Cove Restoration Phase II (\$415,000), Lake Worth Lagoon Monitoring (\$50,000), and Grant Administration (\$35,000). This Agreement is part of the State Legislature's disbursement of funds for restoring and protecting surface waters of the State. The funds are being allocated and managed under the Lake Worth Lagoon Partnership Grant Program. Countywide (SF)

M. PARKS & RECREATION

1. Staff recommends motion to approve: First Amendment to Interlocal Agreement (R2005-1552) with the City of West Palm Beach for funding of the Grassy Waters Preserve Visitors Pavilion project. **SUMMARY:** This Amendment extends the project completion date for the Grassy Waters Preserve Visitors Pavilion project from August 15, 2008, to April 15, 2010, in order to allow for additional time for project completion and submission of reimbursement documentation to the County. All other terms of the Agreement, including the funding amount of \$250,000, remain the same. Funding for the project is from the 2002 \$50 Million Cultural and Recreational Facilities Bond referendum - District 2 and District 6. District 6 (PK)

2. Staff recommends motion to approve: Agreement with the City of Pahokee for the period December 16, 2008, through July 1, 2009, in an amount not-to-exceed \$5,000 for funding of the 2008 4th of July fireworks display. **SUMMARY:** This funding is to help offset costs for the City of Pahokee's 2008 4th of July fireworks display. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to June 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (DW)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. **Staff recommends motion to approve:** Agreement with Palm Beach County Officials Association, Inc. in an amount not-to-exceed \$297,648, for a period of three (3) years beginning January 2, 2009, through January 1, 2012, for sports officiating services. **SUMMARY:** The current agreement (R2005-1533) for providing sports officiating services for softball expired on September 30, 2008. On October 27, 2008, a Request for Services (RFS) was issued seeking submittals for Amateur Softball Association (ASA) softball officiating at County facilities. The Department received only one (1) bid, reviewed that bid, and deemed that bid as acceptable. The cost of this Agreement will be completely offset by revenue derived from program fees. Countywide (DW)

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** the First Amendment to the Agreement for services with the Office of the Public Defender extending the agreement through September 30, 2009 for the Ex-Offender Re-entry Program in an amount not to exceed \$7,000. **SUMMARY:** The funds will be used to extend the agreement (R2008-0444; dated March 11, 2008) for the Ex-Offender Re-entry Program administered by the Public Defender's Office to pay the cost of the project to purchase Florida identification cards and necessary support documentation required by the Department of Highway Safety and Motor Vehicles for inmates about to be released from the County jail. The lack of identification creates a barrier to accessing other services upon release and increases the chances of an individual re-offending and returning to the criminal justice system. Countywide (DW)

R. HUMAN RESOURCES

1. **Staff recommends motion to approve:** Palm Beach County's 2008-2009 Affirmative Action Plan, a voluntary effort, to correct under-representation where it exists in the Board of County Commissioners' workforce. **SUMMARY:** Implementation of this year's Plan focuses on methods and procedures for achieving targeted work unit goals, enhancing special recruitment efforts, and continuing to develop systems to correct under-representation. Minority representation for all job categories for 2007-2008 was 31.8% which is 3.8% above the availability. Females represented 34.8% of the County's work force in 2007-2008 as compared to the availability of the labor force for all occupations of 46.0%. There is no fiscal impact. Countywide (EC)

S. FIRE RESCUE

1. **Staff recommends motion to adopt:** a Resolution conveying and authorizing transfer of title to an Ambulance-Rescue vehicle (Asset No. 10175766) to the Town of Jupiter, contingent upon receipt of \$10 consideration from the Town and receipt of the Acceptance of Fire Rescue Vehicle(s) and/or Equipment form duly executed by the Town. **SUMMARY:** The Town has requested the County convey and transfer title to one (1) Rescue Unit (model-year 1996; VIN No. 1FV3GFBC3TL622862) to be housed and maintained by the Town of Jupiter's Police Department. The unit will be refurbished at the Town's expense and equipped with specialized equipment for tactical command response to emergency incidents within their community. This vehicle will greatly enhance the Town's ability to provide response services to their residents and will benefit the Fire Rescue MSTU during critical incidents that require a coordinated police and fire rescue response. This vehicle is not needed for County purposes and has minimal useful value to the Fire Rescue MSTU. It is currently part of Fire Rescue's reserve fleet and would otherwise be scheduled for transfer to surplus. The estimated value of this vehicle is \$10,000. Countywide (SB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to approve: Tenth Amendment to Contract with CGI-AMS (formerly named American Management Systems, Inc.) (R2002-1782) to extend the ending date from December 31, 2008, to December 30, 2009, at no additional cost to the County. **SUMMARY:** The Tenth Amendment is an extension to allow additional time for completion of the deliverables specified in the original contract, including Vendor Self Service and Modifications No. 9 and No. 11. Countywide (PK)

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve the FY 2005 State Homeland Security Grant Program (SHSGP) Sub-Award Agreement with Miami-Dade County through March 31, 2009 to receive grant funds of \$50,000 for regional planning activities;

B) approve the consulting Contract with MTSS IT Solutions through March 31, 2009 in the amount of \$50,000 for emergency planning services;

C) authorize the County Administrator or his designee to sign modifications and amendments to the sub-grant agreement and consulting contract as long as such modifications and amendments do not require funds not previously authorized by the Board of County Commissioners; and

D) approve a Budget Amendment of \$50,000 in the Emergency Management Grant Fund to establish grant budget.

SUMMARY: The Southeast Florida Regional Domestic Security Task Force (SFRDSTF) has adopted WEBEOC as the standard, web-enabled, crisis and emergency information management system. Funding for the regional WEBEOC software licenses was provided by a Homeland Security grant. This Sub-Award Agreement with Miami-Dade will fund the customization of WEBEOC, which will be done by MTSS IT Solutions, to fulfill the regional requirements of the Urban Area Security Initiative. The Sub-Award Agreement will be paid from FY 2005 State Homeland Security Grant Program (SHSGP) awarded to Miami-Dade County for the period July 1, 2005, to March 31, 2009. No County match is required by the grant. Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) adopt a Resolution authorizing the County Administrator or his designee to sign and forward to the Florida Department of Health, Bureau of Emergency Medical Services, the FY 2009 annual Emergency Medical Services County Grant Application and County Distribution Agreement for \$503,042;

B) authorize the County Administrator or his designee to sign state budget transfer forms related to the grant;

C) approve a Budget Amendment of \$197,927 in EMS Grant Fund to adjust budget to actual grant award; and

D) approve a Budget Amendment of \$70,554 in Fire Rescue Fund to recognize EMS award.

SUMMARY: This is an annual grant provided to Palm Beach County from the State of Florida Department of Health, Bureau of Emergency Medical Services, to improve and expand the EMS system. The funds are distributed as reimbursement to the EMS providers and will also fund the Palm Beach County Division of EMS projects. The EMS County Grant Award Program begins October 1, 2008 and concludes September 30, 2009. No County match is required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT

1. Staff recommends motion to:

A) approve Cafeteria Plan Adoption Agreement;

B) adopt Resolution of the Palm Beach County Board of County Commissioners consenting to the Adoption of the Section 125 Flexible Spending Plan by the Palm Beach County Supervisor of Elections;

C) approve Palm Beach County Board of County Commissioners Section 125 Flexible Spending Plan Joinder Agreement;

D) approve an enhancement to the arrangement with Cornerstone Administrative Services, LLC for Flexible Spending Account Administration (FSA) Services (RFQ No. 750579/MB) adding a debit card, for participants to use for qualified expenses under the plan, effective January 1, 2009, through December 31, 2009 with four (4) annual options to renew; and

E) approve the set up of a bank account with Bank of America on behalf of Palm Beach County for Palm Beach County employee FSA deductions within the provisions of Florida Statute §136.091, with an initial deposit of \$60,000 to be held by Cornerstone Administrative Services, LLC.

SUMMARY: Following an RFQ process, staff selected Cornerstone Administrative Services, LLC to provide Section 125 Flexible Spending Account (FSA) administrative services for eligible employees for a fee of \$3.29 per participating employee per month for the period, January 1, 2009, through December 31, 2009, with four (4) annual renewal options. These administrative services are an important component of the Cafeteria Plan. Cornerstone offers debit card technology to plan participants which will provide for immediate reimbursements at any qualified merchant that accepts Master Card. The card will work for qualified expenditures at doctor offices, hospitals, pharmacies, chiropractors, optometrists, opticians, dentists, and other healthcare providers and eligible child care facilities. The card will not work at restaurants, retail stores, gas stations, etc. The debit card will serve to boost plan participation, and ultimately result in more tax-related savings for eligible employees and the Board. The debit card will be at no additional cost to the Board. Employees who choose this convenient alternative will receive the card at no cost, and pay \$5 per additional card requested, through their FSA account. Reimbursements for claims, whether debit card or traditionally filed paper claims, are funded entirely by payroll deductions elected by eligible employees. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

A) approve Federal FY 2009 Master Agreement, and Certifications and Assurances to be used in connection with all Federal assistance programs Federal Transit Administration (FTA) administers during Federal Fiscal Year 2009; and

B) authorize Palm Tran's Executive Director and Assistant Executive Director, through the County Administrator, to execute and file the required certifications and assurances, on behalf of the Board of County Commissioners, and to electronically transmit the Board's approval.

SUMMARY: Selecting and submitting certifications and assurances to FTA, either through FTA's Transportation Electronic Award and Management (TEAM) system or submission of the Signature Page, signifies the County's intent to comply with the requirements of those certifications and assurances to the extent they apply to a program for which the county submits an application for assistance in Federal Fiscal Year 2009. FTA requires a current (Federal Fiscal Year 2009) attorney's affirmation of the Applicant's legal authority to certify compliance with the funding obligations in this document, the attorney's signature from a previous year is not acceptable. Before FTA may award a Federal grant or cooperative agreement, the applicant must provide to FTA all certifications and assurances pertaining to itself or its project as required by Federal laws and regulations. Because FTA's Certifications and Assurances do not encompass all Federal requirements that will apply to the Applicant and its projects, FTA strongly encourages the Applicant to review the Federal authorizing legislation, regulations, and directives pertaining to the program or programs for which the Applicant seeks Federal assistance identified in the FTA Master Agreement for Federal FY 2009. Upon any award from FTA in FY 2009, Palm Beach County enters into a Grant Agreement with FTA. Countywide (DR)

BB. SHERIFF

1. Staff recommends motion to receive and file: Grant Adjustment Notice amending the National Institute of Justice FY 2006 Forensic Casework DNA Backlog Reduction Program Grant K071 to extend the ending grant period from September 30, 2008, to December 31, 2008. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$103,115 on December 18, 2007; the original grant period was October 1, 2006, through September 30, 2008 (R2007-2304). This agenda item will extend the grant period from September 30, 2008, through December 31, 2008. These funds will be used to continue funding the two (2) Forensic Scientists hired through the NIJ 2005 Casework Program. The Forensic Scientists will screen and conduct DNA analysis on sexual assaults and homicides and aid in the quality control protocols in the DNA laboratory. The Palm Beach County Sheriff's Office has been given an extension to allow the grant funds to be fully expended. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

2. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the National Institute of Justice FY 2006 Forensic DNA Capacity Enhancement Program Grant K224 to extend the ending grant period from September 30, 2008, to December 31, 2008. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$205,343 on May 1, 2007; the original period for this grant was October 1, 2006, through September 30, 2007 (R2007-0717). On January 15, 2008, the BCC received and filed an agenda item extending the grant period from September 30, 2007, through September 30, 2008 (R2008-0097). This agenda item will extend the grant period from September 30, 2008, through December 31, 2008. The objective of this program is to continue to increase the efficiency of the PBSO DNA Section through organization of crime scene stain evidence, the increase of bench space for conducting serological and DNA analysis, and to update PBSO's electronic data capture capabilities. The Palm Beach County Sheriff's Office has been given an extension to allow the grant funds to be fully expended. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. **Staff recommends motion to:**
 - A) **accept** a Bureau of Justice Assistance (BJA) Bulletproof Vest Partnership Grant in the amount of \$26,736 for the period of October 1, 2008, through September 30, 2009 for the purchase of Bulletproof Vests; and

 - B) **approve** a Budget Amendment of \$26,736 in the Sheriff's Grants Fund.

SUMMARY: The Bureau of Justice Assistance (BJA) has made available funds for the purchase of Bulletproof Vests for law enforcement personnel. The Palm Beach County Sheriff's Office was awarded the amount of \$26,736 for the purchase of approximately 51 National Institute of Justice approved vests. The vests will be purchased between October 1, 2008, and September 30, 2009. The required match in the amount of \$26,736 is being provided by the Palm Beach County Sheriff's Office and is included in the Sheriff's approved FY 2009 Budget. No additional positions are needed and no additional County funds are required. Countywide (DW)

4. **Staff recommends motion to receive and file:** Grant Modification amending the State of Florida, Division of Emergency Management Grant, for the Regional Virtual Fusion Center, to extend the ending grant period from September 30, 2008, to March 31, 2009. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$32,445 on May 1, 2007; the original period for this grant was July 1, 2006, through January 31, 2008 (R2007-0715). On March 11, 2008, the BCC received and filed an agenda item extending the grant period from January 31, 2008, through September 30, 2008 (R2008-0455). This agenda item will extend the grant period from September 30, 2008, through March 31, 2009. The State of Florida, Division of Emergency Management awarded these funds to the Palm Beach County Sheriff's Office (PBSO) for the Regional Virtual Fusion Center under the State Homeland Security Grant Program. This project is an extension of the PBSO's integration of its local applications supporting countywide, regional and statewide data sharing. PBSO will streamline its operational and intelligence focused systems in web-based architectures to be shared and extended as appropriate to users within the Sheriff's office, to municipal agencies, and within the Florida Department of Law Enforcement Region. These funds have been approved by the State of Florida, Division of Emergency Management. The PBSO has been given an extension to allow the grant funds to be fully expended. There is no match requirement associated with this award. No additional positions are created, and no additional County funds are required in FY 2009. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

- 5. **Staff recommends motion to approve:** a Budget Transfer of \$12,000 from the Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO) for community program donations. **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETF's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2009 estimated donation requirement will not be finalized until year-end close-out. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETF balance is \$1,117,980. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,105,980. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (DW)

<u>Organization</u>	<u>Amount</u>
Partnership for a Drug-Free Community of South Florida, Inc.	\$12,000
Total Amount of Donations	\$12,000

CC. SUPERVISOR OF ELECTIONS

- 1. **Staff recommends motion to approve:** Precinct boundary changes submitted by Dr. Arthur Anderson, Supervisor of Elections, as required by Section 101.001(1), Florida Statutes. **SUMMARY:** Precinct boundary changes as indicated. Countywide (LSJ)

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4. PUBLIC HEARINGS - 9:30 A.M. (Motion to receive and file: Proof of publication)

A. Staff recommends motion to:

A) conduct a TEFRA public hearing concerning the issuance of up to \$18,000,000 industrial development revenue bonds (the "Bonds") for the benefit of Pine Crest Preparatory School, Inc. (the "School"); and

B) adopt a Resolution authorizing the issuance of the Bonds and an amendment to the interlocal agreement between the County and the City of Ft. Lauderdale.

SUMMARY: The Board approved the School's application for the issuance of the Bonds on December 2, 2008. This transaction will be a tax-exempt lease-purchase of a new energy management (HVAC system) at the School's middle and upper school facilities in Ft. Lauderdale, and is part of the overall capital improvement plan of the School for which the County issued \$75,000,000 in revenue bonds in August 2008. The County and the City of Ft. Lauderdale have previously entered into an interlocal agreement that allowed the County to issue the August 2008 bonds, and it is necessary to amend the agreement to cover this new transaction. **The Bonds will be payable solely from revenues derived from the School, and neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the Bonds.** District 4 (PFK)

B. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 17, Article V, Division 1, Section 17-153 of the Palm Beach County Code concerning work identification cards for individuals performing in adult entertainment establishments; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions; providing for an effective date. **SUMMARY:** Section 17-153 of the Adult Entertainment Ordinance requires performers in adult entertainment establishments to apply for work identification cards from the Public Safety Department and show proof that they are at least 18 years old. The revised Ordinance modifies the application requirements, designates the Public Safety Department responsible in creating the application form to verify that the applicant is at least 18 years old, and provides that fees for work identification cards be established by Board resolution. A board resolution will be presented to increase the fees for a new work ID from \$25 to \$75, and for a duplicate copy from \$5 to \$25. The fees set in 1999 have not generated enough to offset the cost to administer the program. About 1,000 applications are processed annually. The cost of the program which includes all personnel costs, identification card equipment and supplies, and indirect costs is approximately \$75,000. Countywide (MJ)

C. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, pertaining to the regulation of nightclubs; providing short title; providing definitions; providing a security fee; providing additional security measures; providing enforcement and penalties; providing patron age restrictions; providing police supervision; providing right of entry for purpose of inspection; providing exemption; providing for severability; providing for repeal of laws in conflict; providing for applicability; providing for inclusion in the Code of Laws and Ordinances; providing captions; and providing an effective date. **SUMMARY:** The public health, safety and welfare of the citizens of Palm Beach County will be best served by prohibiting the admission of persons under the age of 21 to nightclubs. The Palm Beach County Nightclub Security Ordinance will require nightclubs to have security officers/law enforcement presence when the nightclub, as defined by the Ordinance, is open to the public between the hours of 11:00 p.m. and 8:00 a.m. It also requires that security officers complete a security officer training course approved by the Sheriff's Office. Additionally, the Owner must provide a minimum number of off-duty Sheriff's deputies and exterior security lighting. Upon adoption, it will be unlawful for persons under the age of 21 to patronize, visit, loiter, be admitted or allowed access, in any nightclub unless: they are employed by or at the nightclub; the nightclub is not serving or selling alcoholic beverages to the public; or the person is a member of the military or armed services with proper military identification. This Ordinance is only applicable in the unincorporated area. Countywide (DW)

4. PUBLIC HEARINGS - 9:30 A.M. CONTINUED

- D. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 26-51, Subsection (b), of Chapter 26, Article II, Division 3, of the Palm Beach County Code; amending the boundaries of the Fire Rescue Municipal Service Taxing Unit (MSTU) to include the Village of Palm Springs; providing for effectiveness; providing for opt-out procedures; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions. **SUMMARY:** The Fire Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within the municipal boundaries of municipalities that have opted to join the MSTU. The County currently provides dispatch services to the Village of Palm Springs (Village) through an Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services (R2007-0904). The Village now desires to abolish its fire rescue department and opt into the MSTU as a method to receive and pay for fire rescue services from the County. The proposed Ordinance amends the existing boundaries of the Fire Rescue MSTU to include properties within the municipal boundaries of the Village. The estimated, ongoing fiscal impact of adding the Village of Palm Springs to the Fire Rescue MSTU is approximately \$400,000 annually. There will be offsetting service area benefits. Countywide (SB)
- E. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 26-51, Subsection (b), of Chapter 26, Article II, Division 3, of the Palm Beach County Code; amending the boundaries of the Fire Rescue Municipal Service Taxing Unit (MSTU) to include the City of Lake Worth; providing for effectiveness; providing for opt-out procedures; providing for opt-out procedures for tax year 2009; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions. **SUMMARY:** The Fire Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within the municipal boundaries of municipalities that have opted to join the MSTU. The County currently provides dispatch services to the City of Lake Worth (City) through an Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services (R2005-1563). The City now desires to abolish its fire rescue department and opt into the MSTU as a method to receive and pay for fire rescue services from the County. The proposed Ordinance amends the existing boundaries of the Fire Rescue MSTU to include properties within the municipal boundaries of the City. Negotiations with the City are ongoing. Staff will provide the Board with a fiscal analysis prior to the expiration of the final opt-out provision. If the County decides not to move forward with the provision of fire rescue services to the City, the Board has the option to repeal this Ordinance prior to April 30, 2009. Countywide (SB)

4. PUBLIC HEARINGS - 9:30 A.M. CONTINUED

F. Staff recommends motion to:

A) adopt a Resolution confirming the special assessment process for Redding Road Water Distribution System (Project), Section 13, Township 45 South, Range 42 East, Project No. 2006140;

B) authorize that all assessment funds collected by the Tax Collectors Office be repaid to MSTU District F;

C) approve a Contract with Palm Beach Grading, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$153,853.80, for the construction of the Project;

D) approve a Budget Transfer of \$32,133 in the Municipal Service Taxing Unit (MSTU) District C Fund Reserves to Redding Road Watermain; and

E) approve a Budget Transfer of \$151,569 in Unincorporated Improvement Fund Reserves to Redding Road Watermain.

SUMMARY: Adoption of the Resolution provides for the collection of 100% of the MSTU funds expended on the Project. Assessments will be payable in ten equal annual installments. The Small Business Assistance goal for the Project is 15%. The Small Business Enterprise participation committed for the Project by the Contractor is 15% overall. District 3/MSTU District C (MRE)

G. Staff recommends motion to:

A) adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida amending Palm Beach County Code Chapter 26, Article II, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance (Ordinance 94-11 as amended); amending Section 26-17, creation and purpose; amending Section 26-18, governing body of municipal service taxing units; amending Section 26-19, powers; amending Section 26-20, funding; amending Section 26-21, budget adoption; amending Section 26-22, trust funds; amending Section 26-23, improvements; amending Section 26-24, special assessments; amending Section 26-29, percentage of costs, further procedures; providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions; providing for effective date; and

B) authorize the Office of Financial Management and Budget to administratively combine the original six (6) funds into one (1) fund.

SUMMARY: On December 2, 2008, the Board of County Commissioners held its preliminary reading of this Ordinance. The Ordinance will amend Chapter 26, Article II, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance (Ordinance 94-11 as amended) to merge the original six (6) MSTU into a single unit and to allow for assessments and collections of 100% of the costs of road improvements. Countywide (MRE)

4. PUBLIC HEARINGS - 9:30 A.M. CONTINUED

H. **Staff recommends motion to adopt:** a Resolution abandoning a portion of a public drainage easement draining El Clair Ranch Road, a public road, within Tract F-1, Indian Spring, Plat 1, Plat Book 31, Page 43 and shown within the plat of the Villas of Monterey at Indian Spring, Plat Book 33, Page 187, and a portion of a platted 15 foot wide Utility Easement within Tract F-1, Indian Spring Plat 1, Plat Book 31, Page 43, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located east of El Clair Ranch Road, south of Woolbright Road, on the south side of Ainsley Court. The owner/petitioner is requesting the abandonment to clear the record in order to construct improvements to the existing maintenance building. District 5 (PK)

I. **Staff recommends motion to adopt:** a Resolution renouncing and disclaiming any public interest in a portion of 95th Avenue within the plat of Rainberry Planned Unit Development, PODs A, B and C, as recorded in Plat Book 80, Pages 24-26 and as described in Official Record Book 12340, Page 1641, and all of Tract B, within the plat of Rainberry POD "D", recorded in Plat Book 86, Page 7-8, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located south of Glades Road and east of State Road 7. The owner/petitioner is requesting that the public interest in this road be renounced and disclaimed because they want to increase security within the Planned Unit Development. Privatizing this road will allow the construction of a guardhouse and security gates. District 5 (PK)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to adopt: a Resolution conceptually approving an Economic Development Ad Valorem Tax Exemption for Flight Safety International, Inc. (FSI). **SUMMARY:** FSI is a worldwide leader in training aviation professionals. FSI is seeking conceptual approval of an Ad Valorem Tax Exemption application for a proposed \$46.8 million expansion to their Palm Beach County (PBC) operation, which currently has 93 employees. FSI is eligible for the Ad Valorem Tax Exemption Program based upon their expansion plans. They are also eligible for additional state incentives such as the QTI program. The proposed project involves constructing a new 78,000 sq. ft. training center at an approximate cost of \$13.8 million. The company will invest \$33 million in new equipment and create at least 50 new jobs with an average salary of \$65,000, excluding benefits. The potential ad valorem tax exemption refund at a 3.7811 millage rate is estimated at \$52,557 on property, and \$120,995 on tangible personal property, for a total of \$173,552 per year, totaling \$1,041,312 over a six (6) year period. The Business Development Board indicates that FSI is also considering an expansion in Atlanta. The Regional Economic Model, Inc. forecasts the output of the FSI expansion to be \$36 million over six (6) years. The Office of Financial Management and Budget found the company to be in good financial condition, and based on the documents reviewed, the company has the financial stability to expand their operations. District 2 (DW)
2. Staff requests Board direction: on draft FY 2009 State Legislative Program. **SUMMARY:** Staff requests the Board's review of the draft FY 2009 State Legislative Program. The Legislative Program outlines the issues that the County's Legislative Affairs Department in conjunction with the County's lobbying team will be working on for the Board in the upcoming Legislative Session. Countywide (DSW)

B. COUNTY ATTORNEY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending the County's Administrative Code. **SUMMARY:** The proposed Resolution amends the County's Administrative Code by updating Code sections related to petty cash and change funds; interim capital projects and reports; performance measures; and the election and term of office of the Chair and Vice-Chair (by amending Section 5 of the Board's Rules of Procedure). Countywide (PFK)

C. PUBLIC SAFETY

1. Staff recommends motion to adopt: a Resolution establishing revised fees for new and duplicate work identification cards of performers in adult entertainment establishments as provided by Chapter 17, Article V, Division 1, Section 17-153 of the Palm Beach County Code. **SUMMARY:** Section 17-153 of the Adult Entertainment Ordinance requires performers in adult entertainment establishments to apply for work identification cards from the Public Safety Department and show proof that they are at least 18 years old. The revised ordinance provides that fees for work identification cards be established by Board resolution. This Resolution will increase the fees for a new work ID from \$25 to \$75, and for a duplicate copy from \$5 to \$25. The current fees set in 1999 have not generated enough to revenue to offset the cost of the department to administer the program. About 1,000 applications are processed annually. The cost of the program which includes all personnel costs, identification card equipment and supplies, and other administrative costs is approximately \$75,000. Countywide (MJ)

5. REGULAR AGENDA

D. PLANNING, ZONING & BUILDING

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on January 13, 2009 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing Ordinance 2005-045 Palm Beach County amendments to the Florida Building Code, 2004 Edition, Chapter 1 "Administration" and Figure 1606.1.6 basic wind speed map, adopting the Palm Beach County amendments to the Florida Building Code, 2007 Edition, Chapter 1 "Administration" and section and Figure 1609.1 basic wind speed map of Palm Beach County; providing for applicability; providing for repeal of laws in conflict; providing for inclusion in the Code of Laws and Ordinances; providing for savings clause; providing for severability; and providing for an effective date. **SUMMARY:** The Legislature adopted F.S. 553.73, which mandates a Statewide Florida Building Code. The Statute allows local governments to adopt their own Administrative Section of the Florida Building Code, 2007 Edition. This section would apply in the unincorporated area of Palm Beach County, and those municipalities participating in an Interlocal Agreement for the provision of County plan review and inspection services. This administrative section is based upon recommendations of the Palm Beach County Building Code Advisory Board. Figure 1609 in the Florida Building Code is accurate for basic wind design to the County and provides for local government to establish specific wind speed/wind borne debris lines using physical landmarks which is Figure 1609.1. Significant changes to this administrative code are the clarification that quality control is not within purview of the code, except as it relates to the purpose of the code (Section 101.3.1) and the code enforcement procedures relative to unsafe structures or systems. Unincorporated (GB)

2. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on January 13, 2009 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, adopting Appendix F "proposed construction building codes for turf and landscape irrigation systems" of the 2007 Florida Building Code, plumbing volume, with Palm Beach County amendments; requiring the permitting of work covered by this code, and the performance of the work by contractors, licensed for competency to perform such work; and the adoption of reasonable fees to cover the costs of permitting and inspections provided by Florida Statute 125.56(2); providing for adoption; providing for licensing of contractors; providing for permit fees; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for an effective date. **SUMMARY:** The Board of County Commissioners has instructed staff to investigate the benefits of adopting landscape irrigation regulations and the permitting of irrigation systems in Palm Beach County. A survey of the municipalities in the County found that over 90% of the 35 jurisdictions who responded require permits for irrigation systems, as do Broward and Dade Counties, and municipalities within them. This Ordinance will act to protect the drinking water quality of unincorporated Palm Beach County residents and provide for a more sustainable water ecosystem through permitting, inspection, and the requirement that irrigation work be performed by contractors licensed for competency in the trade. This is a state proposed code for optional adoption by local governments. To insure the use of best practices, promote consistency of enforcement, and clarify code requirements, local amendments were made to the Florida proposed text, which are illustrated in an underline/strike-through format of the appendix. Unincorporated (GB)

5. REGULAR AGENDA

D. PLANNING, ZONING & BUILDING (Cont'd)

3. **Staff recommends motion to approve:** an Interlocal Agreement with the Village of Palm Springs providing for the annexation of four (4) enclaves generally located east of Military Trail, north & south of Forest Hill Blvd and west of Kirk Road. **SUMMARY:** Chapter 171, Florida Statutes, allows annexation of enclaves less than ten (10) acres through an Interlocal Agreement with the annexing municipality and the County. Additionally, the County and Village of Palm Springs entered into an Interlocal Service Boundary Agreement (ISBA) scheduled for adoption on December 2, 2008 by the Board of County Commissioners, establishing the parameters by which this annexation may take place. Per Chapter 171, Part II, F.S, this ISBA established the Municipal Service Area whereby the service delivery issues have been determined. By Resolution No. 2008-71, the Village of Palm Springs has petitioned the County to enter into an interlocal agreement for the annexation of four (4) enclaves as depicted in Exhibit A of the Village of Palm Springs Resolution, located within the Municipal Service Area of the Interlocal Service Boundary Agreement. The proposed annexation meets the requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 2 (RB)

5. REGULAR AGENDA

E. PUBLIC AFFAIRS

1. Staff recommends motion to approve:

A) a Broadband Radio Service Decommission Agreement with T-Mobile USA, Inc. (T-Mobile Agreement);

B) an Interlocal Agreement with the School Board of Palm Beach County, Florida, to receive and transmit PBC TV Channel 20 programming (School Board Agreement); and

C) a Budget Amendment of \$1,525,673 in the Public Affairs Replacement Frequency fund to accept the T-Mobile decommission payment and establish budget for the payment of: (1) expenses incurred in relation to the T-Mobile Agreement and School Board Agreement; (2) future expenses for the relocation of the frequency Channel 20 utilizes for the transmission of Channel 20 programming; and (3) future expenses for the upgrade of Channel 20's microwave transmit and receive system.

SUMMARY: The County holds a license from the Federal Communications Commission (FCC) to utilize a certain frequency (Incumbent Frequency) to transmit PBC TV Channel 20 programming to various locations within Palm Beach County. Under FCC rules, the County must cease using the Incumbent Frequency, and transition to a new frequency (Replacement Frequency), by 2011. T-Mobile USA, Inc. (T-Mobile) recently requested that the County cease use of the Incumbent Frequency prior to the 2011 deadline in order to eliminate possible interference with T-Mobile operations. The County temporarily ceased use of the Incumbent Frequency on September 2, 2008, pending final approval of the T-Mobile Agreement. The School Board of Palm Beach County (School Board) holds a license from the FCC, and, on September 2, 2008, began transmitting Channel 20 programming to those same locations that the County previously transmitted to utilizing the Incumbent Frequency. Under the terms of the T-Mobile Agreement, T-Mobile agrees to pay the County \$1,525,673.13 for the County to permanently cease operations on the Incumbent Frequency. This amount includes: an incentive payment of \$125,000 to the County for early termination; a \$52,500 payment for costs incurred by the School Board in transmitting Channel 20 programming until December 31, 2009; \$1,221,923.13 for estimated costs to relocate to the Replacement Frequency and upgrade the County's microwave transmit and receive system; and \$126,250 to recover costs for Palm Beach County professional and technical charges. In addition, T-Mobile has already provided the County with approximately \$36,500 worth of equipment to transmit Channel 20 programming to the School Board. The School Board Agreement requires the School Board to transmit Channel 20 programming until December 31, 2009, subject to the payment of \$52,500 by the County. A long-term relocation plan will be brought to the Board to achieve the 2011 FCC-mandated transition to the Replacement Frequency or suitable alternative. Staff recommends, at this time, that the funds obtained from T-Mobile USA to be place in a separate interest bearing account for this specific purpose. Countywide (MJ)

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6. BOARD APPOINTMENTS

A. **AIRPORTS**
(Citizens Committee on Airport Noise)

1. **Staff recommends motion to appoint:** the following individual to the Citizens Committee on Airport Noise (CCAN) for a term of three (3) years:

<u>Seat</u>	<u>Name</u>	<u>Action</u>	<u>Organization</u>
10	Richard Kleid	Appointment	Town of Palm Beach

SUMMARY: Per Resolution No. R2002-0544, the Citizens' Committee on Airport Noise consists of 13 seats of which six (6) (Seat No. 8 through Seat No. 13) are recommended for appointment by the organizations approved by the BCC. On November 17, 2008, the Town of Palm Beach wrote a letter recommending Mr. Kleid as their representative. Countywide (AH)

B. **WATER UTILITIES**
(Water Utilities Advisory Board)

1. **Staff recommends motion to approve:** the appointment of one (1) at-large member to the Water Utilities Advisory Board for a term of three (3) years, effective December 16, 2008, through December 15, 2011:

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirements</u>	<u>Nominated By:</u>
Derrek Moore	10	Lake Region Appointee Bulk Water Customer Resides in PBC	Belle Glade South Bay Pahokee

SUMMARY: On February 3, 2004, the Board of County Commissioners adopted Resolution No. R2004-0253 establishing a seat on the Water Utilities Department's Advisory Board to represent the new bulk water customers obtained with the addition of the Lake Region Water Treatment Plant. Pursuant to the WUAB Resolution, the Tri-Cities member is to be appointed collectively by the municipalities of Belle Glade, Pahokee and South Bay and confirmed by the Board of County Commissioners. The Tri-Cities have nominated Derrek Moore for this position. Countywide (MJ)

6. BOARD APPOINTMENTS

C. ADMINISTRATION
(Workforce Alliance, Inc.)

- 1. [Staff recommends motion to approve:](#) the reappointment of Mr. David Talley to the Workforce Alliance, Inc. (Alliance) Board of Directors for a term of three (3) years which began on February 1, 2008, through January 31, 2011.

<u>Nominee</u>	<u>Seat No.</u>	<u>Area of Representation</u>	<u>Nominated By</u>
David Talley	32	Private Sector	Chamber of Commerce of the Palm Beaches

SUMMARY: The membership of Workforce Alliance, Inc. (Alliance) conforms to the requirements of the Workforce Investment Act (WIA) of 1998, and the Workforce Innovation Act of 2000. Policy for this item is defined in an Agreement (R2007-1200) between Palm Beach County and Alliance dated July 10, 2007. Per this Agreement, 17 private sector member appointments shall be made by County. The Workforce Investment Act of 1998, requests that an emphasis be placed on CEO's or highest level of management positions for both community and business sector appointments. The Alliance Board of Directors is compromised of a minimum of 35 members as determined from time to time by the Board of Directors with representatives of business in the local area who are owners of businesses, local educational entities, labor organizations, community-based organizations, economic development agencies, one-stop partners. Countywide (TKF)

D. COMMISSION DISTRICT APPOINTMENTS

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DECEMBER 16, 2008

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

DECEMBER 16, 2008

8. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 - COMMISSIONER JEFF KOONS, CHAIRMAN

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 - COMMISSIONER MARY MCCARTY

E. District 5 - COMMISSIONER BURT AARONSON, VICE CHAIRMAN

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER ADDIE L. GREENE

9. ADJOURNMENT

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

**BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

ADDITIONS, DELETIONS, & SUBSTITUTIONS

DECEMBER 16, 2008

<u>PAGE</u>	<u>ITEM</u>	
6	3A-2	<u>DELETED:</u> Staff recommends motion to approve: A) a Loan Agreement with Glades Gas and Electric Corporation (GG&EC)...(Admin/Economic Development) (Further staff review)
18	3I-2	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to: A).. B)..C)..D)..E) authorize payment of \$98,140.51 <u>\$103,991.65</u> to the Florida Housing Finance Corporation, representing reimbursement for satisfying certain mortgages and amounts received on behalf of the State of Florida as payoffs and the satisfaction for certain mortgages. SUMMARY: In 1992, the State of Florida through its Housing Finance Agency issued a Request for Proposal (RFP) soliciting participants for their HOME Program.....Payment to FHFC in the amount of \$98,140.51 <u>\$103,991.65</u> , represents funds the County received through mortgage pay offs and reimbursement for certain FHFC mortgages that were inadvertently satisfied. Payment is being made to FHFC in lieu of transferring those subject mortgages, since transfer is no longer possible. (HCD)
33	4F	<u>REVISED MOTION/TITLE & SUMMARY:</u> Staff recommends motion to: A) adopt a Resolution confirming the special assessment process for Redding Road Water Distribution System (Project), Section 13, Township 45 South, Range 42 East, Project No. 2006140; B) authorize that all assessment funds collected by the Tax Collectors Office be repaid to MSTU District F; C) approve a Contract with Palm Beach Grading, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$153,853.80, for the construction of the Project; D) approve a Budget Transfer of \$32,133 in the Municipal Service Taxing Unit (MSTU) District C Fund Reserves to Redding Road Watermain; and E) approve a Budget Transfer of \$151,569 in Unincorporated Improvement Fund Reserves to Redding Road Watermain. SUMMARY: Adoption of the Resolution provides for the collection of 100% of the MSTU funds expended on the Project. Assessments will be payable in ten equal annual installments. The Small Business Assistance goal for the Project is 15%. The Small Business Enterprise participation committed for the Project by the Contractor is 15% overall. <u>District 3/MSTU District C (MRE)</u> <u>A) cancel</u> the Municipal Service Taxing Unit (MSTU) project for Redding Road Water Distribution System (2006140) (Project); and <u>B) reject</u> all bids for Project. <u>SUMMARY:</u> <u>The County received petitions requesting the water project from 13 of the 25 property owners in 2007. The petitions given to them estimated they would pay between \$5,000-\$6,000 for the construction and a connection fee. The County started and has now completed the design and the bids have been received. The costs are now estimated to be \$11,500. The majority of the property owners (13) now have written that they do not want this Project. Staff recommends the Project not move forward and we cancel the bids. <u>District 3/MSTU District C (MRE) (Engineering)</u></u>

ADD-ON: Staff recommends motion to consider: a revised Tri-Party Agreement with the City of West Palm Beach and Palm Beach Photographic Centre, Inc., effective upon execution of all parties in an amount not-to-exceed \$500,000 for funding of construction of the Palm Beach Photographic Centre. **SUMMARY:** This Agreement was originally considered by the Board of County Commissioners on September 9, 2008. At that meeting, the Agreement was approved contingent upon agreement by the City to compensate the County in the event the Photographic Centre failed to satisfy terms related to long-term operation and repayment in the event of default. At this time, the City remains unwilling to assume repayment responsibilities due to the hardship associated with the additional financial commitment and the need to ultimately determine the best use for the space in the event the Photographic Centre leaves the City Center. A letter from West Palm Beach Mayor Lois Frankel explaining this position is attached to this item as backup. The revised Agreement places responsibility for repayment in the event of a default solely on the Photographic Centre, Inc. Updated project cost estimates are included in the revised Agreement. The amount of County funding is unchanged. The Photographic Centre project will be located in 20,210 square feet of space leased from the City within its City Center at 415 Clematis Street. The Photographic Centre will utilize an additional 6,000 square feet of common space for bathrooms, storage, shipping and receiving areas to be shared with City facilities. Funding is from the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum, as amended – District 2. District 2 (PK) (Parks)

ADD-ON: Staff recommends motion to approve:

A) Low Income Home Energy Assistance Program (LIHEAP) Agreement with the State of Florida Department of Community Affairs for the period of the date of execution by both parties through March 31, 2010, in an amount of \$4,503,903 for utility assistance to low income families; and

B) three (3) temporary positions consisting of two (2) Receptionist III's and one (1) Data Processor.

SUMMARY: LIHEAP funding of \$4,503,903 will enable PBC Community Action to provide utility assistance and prevent utility disconnection for approximately 10,950 low income households in Palm Beach County. The FY 2009-2010 contract represents a significant increase (380%) in federal funding for LIHEAP between FY 2008 and FY 2009. PBC Community Action will need to expand its outreach, intake and processing of applications in order to expend these funds. The majority of the work load will be handled by existing staff; however, three (3) temporary positions funded by the grant will be needed to effectively administer the program. Adding these positions will ensure that sufficient staffing is available to meet the increased demand and to ensure that funds are expended by the end of the contract. (Community Action Program) Countywide (TKF) (Community Services)

ADD-ON: Staff recommends motion to:

A) adopt a Resolution authorizing an expansion of the building space being leased to LJL Food Management, Inc. d/b/a Tina's Café, finding that the First Amendment to Governmental Center Lease Agreement with LJL Food Management, Inc. is in the best interest of the County;

B) approve a First Amendment to Governmental Center Lease Agreement (R2002-0829) with LJL Food Management, Inc. d/b/a Tina's Café, to expand the current leased premises by 1,050 square feet; and

C) request direction on sources of funding for move and data/phone/alarm relocation costs.

SUMMARY: Since 2002, the County has leased 1,504 square feet of restaurant space located within the Government Center Parking Garage to LJL Food Management, Inc., currently operating under the trade name of Tina's Café. The current term of the Lease expires August 31, 2011. The current annual rent is \$23,702.64 (\$15.76/sf). The Board directed Staff to allow Tina's Café to expand into the adjacent 1,050 square feet of space previously occupied by Channel 20. This First Amendment will: i) reflect the change in trade name to LJL Food Management, Inc. d/b/a Tina's Café; ii) expand the leased premises to include an additional 1,050 square feet for a total of 2,554 square feet; iii) increase the annual rent from \$23,702.64 to \$40,251.04; iv) grant Tina's Café one (1) additional five (5) year option to extend the term of the Lease; v) assign Tina's Café three (3) parking passes for unassigned parking spaces in the Judicial Center Parking Garage without charge other than security deposit and administrative fees; and vi) permit the sale of Florida lottery tickets. The Resolution finds this First Amendment to be in the best interest of the County. The County will incur costs of \$4,000-\$6,000 in moving Channel 20, relocating data cables utilized by Channel 20 and relocating phone lines and the alarm system, which were not budgeted. Staff recommends that these expenses be paid by Tina's Café, either up front or in installments. If the Board desires to cover these costs, staff recommends that funds be transferred from contingency which will require a subsequent budget transfer. (PREM) Countywide (HJF) (FDO)

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).